

**UNITED STATES DISTRICT COURT**  
for the

District of South Carolina

United States of America	)	Case No: <u>4:04-335-002 (TLW)</u>
	)	USM No: <u>11032-171</u>
-versus-	)	<u>Pro se</u>
	)	Defendant's Attorney
<b>Thurman Lowery, Jr.</b>	)	
	)	
Date of Previous Judgment: <u>January 12, 2010</u>	)	
(Use Date of Last Amended Judgment if Applicable	)	

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is DENIED (Doc. # 133). This case does not qualify because the mandatory minimum overrides the guidelines. Defendant's guideline range, while it was lowered under Amendment 706, is unaffected by Amendment 750.

**IT IS SO ORDERED.**

Order Date: February 13, 2012

s/ Terry L. Wooten  
*Judge's signature*

Effective Date:  
(if different from above)

Terry L. Wooten, United States District Judge